

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JANUARY 26, 1993  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:04 a.m. The meeting was recessed by Mayor Golding at 10:09 a.m. The meeting was reconvened by Mayor Golding at 2:04 p.m. Mayor Golding introduced the Mayor of Tijuana who presented her with a silver platter from dignitaries of Tijuana in thanks for San Diego's help to their flood victims. Mayor Golding adjourned the meeting at 6:29 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present  
(1) Council Member Wolfsheimer-present  
(2) Council Member Roberts-present  
(3) Council Member Hartley-present  
(4) Council Member Stevens-present  
(5) Council Member Behr-present  
(6) Council Member Stallings-present  
(7) Council Member McCarty-present  
(8) District 8-vacant  
Clerk-Abdelnour/Fishkin (mc/so)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:  
(M) Mayor Golding-present  
(1) Council Member Wolfsheimer-present  
(2) Council Member Roberts-present  
(3) Council Member Hartley-present  
(4) Council Member Stevens-present  
(5) Council Member Behr-present  
(6) Council Member Stallings-present  
(7) Council Member McCarty-present  
(8) District 8-vacant

ITEM-PC-1:

Comment by Lee Mowery regarding the Otay Mesa Nestor Plan.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A014-028.)

COUNCIL COMMENT:

None.

ITEM-139: (R-93-1058) ADOPTED AS RESOLUTION R-281401

Authorizing the execution of a first amendment to the concession agreement with Kruse Concessions, Inc., for the sale and administration of water contact sports permits at lakes designated by the City, with a seven percent commission to Kruse.  
(San Carlos, Rancho Bernardo and Miramar Community Areas. Districts-5 and 7.)

CITY MANAGER SUPPORTING INFORMATION: The City and Kruse Concessions, Inc. (KCI) wish to amend the concession agreement, dated February 4, 1992 Document No. RR-279459 for the Lakes Concession. The City has asked KCI to handle additional responsibilities at certain lakes that cater to the water contact sports (e.g. jet skiing at El Capitan and water skiing at San Vicente) programs. The additional duties include opening additional days at certain lakes, sale of the water contact sports permits, record keeping, depositing of the monies received from the sale of permits and additional labor expenses. For assuming the additional duties, the City would compensate KCI by paying them a 7 percent commission on the sale of water contact sports permits (the same rate paid on all other permits sold by KCI). Staff feels that this amendment, which would become effective retroactive to June 1, 1992, would provide just compensation to KCI for handling responsibilities which were previously handled by City staff.

FILE LOCATION: LEAS - Kruse Concessions, Inc.  
LEASFY93-1

COUNCIL ACTION: (Tape location: A035-043.)

MOTION BY McCARTY TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, District 8-vacant, Mayor Golding-yea.

ITEM-310: DID NOT APPEAR

Welcoming a group of approximately 30 students from St. Vincent's Elementary School, accompanied by Karen Wadginski. This group will arrive at approximately 10:30 a.m.  
(District-2.)

FILE LOCATION: AGENDA

ITEM-330: (O-93-109) INTRODUCED AND ADOPTED AS ORDINANCE  
O-17890 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-17781 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1992-93 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year," by amending the personnel authorization of the Retirement Department to exempt the position of Investment Officer from the Classified Service; and establishing a salary rate.

SUPPORTING INFORMATION: Effective in the FY 1991-92 Budget, the City Council approved the addition of an Investment Officer position to the Retirement Department. The Retirement Administrator is requesting that this position be exempted from the Classified Service in accordance with Section 117 of the City Charter. The duties and responsibilities of the Investment Officer include, but are not limited to, the following: (1) Daily administration and oversight of a \$1.1 billion investment program; (2) Negotiation of and administration of all investment related contracts; (3) Monitoring and evaluating the performance of contractual investment managers and investment services; (4) Develops and formulates investment procedures and policies for approval by the San Diego City Employees' Retirement System (SDCERS) Board of Administration; and 5) Determines and directs the sale and redistribution of trust fund assets in accordance with investment policy guidelines approved by the SDCERS' Board of Administration. The Civil Service Commission reviewed the exemption of this position from the Classified Service on December 10, 1992. The Commission found that the administrative and managerial duties and responsibilities of this position meet the requirements and intent of Charter Section 117 for exemption from the Classified Service.

NOTE: See Item 201 on the docket of Monday, January 25,

1993 for the first public hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A044-052.)

MOTION BY WOLFSHEIMER TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, District 8-vacant, Mayor Golding-yea.

ITEM-331:

Matter of an Extension of Time request (No. 92-0443) for a previously approved Vesting Tentative Map (VTM) Golden Triangle Research Center, Rezone (RZ), Planned Industrial Development (PID), and Resource Protection Overlay Zone Permit (RPOZP) (No. 88-0481) to allow various scientific research and development land uses on a vacant 7.5 acre site. The previously approved map, rezone and associated permits (No. 88-0481) authorized the construction of two detached, two-story scientific laboratory and research buildings; one, 40,800 square feet in size and the other, 82,800 square feet in size. The project also includes related site improvements and facilities necessary to implement the proposed development, including landscaping and off-street parking. The previously approved Vesting Tentative Map (No. 88-0481) authorized the two-lot division of the subject property to accommodate the intended scientific research tenant uses. The site is located on the south side of Eastgate Mall, between Towne Centre Drive and Interstate 805, and is described as a portion of Pueblo Lot 1307, Miscellaneous Map No. 36. The project site is located within the adopted University Community Plan Area and is zoned R-1-5000/HR (Proposed SR/HR) Zone. (VTM/PID/RPOZP/RZ-92-0443. District-1.)

Subitem-A: (R-93-1092) ADOPTED AS RESOLUTION R-281402

Adoption of a Resolution declaring that Environmental Negative Declaration DEP-88-0481 has been previously reviewed and certified by this Council in connection with VTM/RZ/PID/RPOZP-88-0481.

Subitem-B: (O-93-107) INTRODUCED, TO BE ADOPTED  
FEBRUARY 8, 1993

Introduction of an Ordinance for an extension of time  
to Ordinance O-17291 (New Series), adopted May 8, 1989.

Subitem-C: (R-93-1238) GRANTED EXTENSION OF TIME FOR  
MAP, ADOPTED AS RESOLUTION  
R-281403

Adoption of a Resolution granting or denying the  
extension of time for the map, with appropriate  
findings to support Council action.

Subitem-D: (R-93-1239) GRANTED EXTENSION OF TIME FOR  
PERMITS, ADOPTED AS RESOLUTION  
R-281404

Adoption of a Resolution granting or denying the  
extension of time for the permits, with appropriate  
findings to support Council action.

FILE LOCATION: Subitems A & D: PERM - PID/RPO-92-0443;  
Subitem-B: --; Subitem C: SUBD - Golden  
Triangle Research Center

COUNCIL ACTION: (Tape location: A044-052.)

Hearing began at 10:07 a.m. and halted at 10:08 a.m.

MOTION BY WOLFSHEIMER TO ADOPT, GRANTING THE EXTENSION OF  
TIME. Second by Roberts. Passed by the following vote:  
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,  
Behr-yea, Stallings-yea, McCarty-yea, District 8-vacant,  
Mayor Golding-yea.

ITEM-332: RETURNED TO CITY MANAGER

Three actions relative to the Skyline Park Cost  
Reimbursement District No. 4074:  
(Skyline Community Area. District-4.)

Subitem-A: (O-93-108)

Introduction of an Ordinance waiving provisions of San  
Diego Municipal Code Section 62.0208 pertaining to the  
Skyline Park Cost Reimbursement District.

Subitem-B: (R-93-1094)

Establishing the Skyline Park Cost Reimbursement

District; setting 20 years as the limiting period when assessed costs are due and payable; approving Plat No. 4074 (CR-22-1) identifying all parcels within the area; approving a description of the public improvements estimated cost of the improvements, excess costs, and apportionment; declaring that this resolution represents a lawful lien enacted against each parcel.

Subitem-C: (R-93-1095)

Authorizing the City Auditor and Comptroller to establish the Skyline Park Cost Reimbursement Fund (Fund No. 72018), such fund to be authorized to maintain interest in the fund and to make appropriate deposits when liens are paid; authorizing the expenditure of an amount not to exceed \$30,000 from Annual Allocation-Assessment Districts CIP-48-002.0, for the purpose of paying for City staff costs during the district formation process and monitoring period.

CITY MANAGER SUPPORTING INFORMATION: In May 1989, Council declared the subdivision agreement entered into with the owner of the Skyline Park development to be in default and directed the City Manager to complete the unfinished public facilities required under the agreement. In accordance with this Council direction, the Engineering and Development Department incorporated the abandoned work into a scheduled capital improvement project to widen and reconstruct Skyline Drive. Subsequent Council action in October of 1991 authorized the City Manager to proceed with the formation of a City-initiated cost reimbursement district to recover all eligible costs associated with the completion of the abandoned public improvements. A total of \$813,445 has been expended for construction and incidentals related to these improvements. Of this amount, \$430,921 has been determined to be the responsibility of benefitting properties within the boundaries of the district. Payment would be required if the property is developed within 20 years from the date that Council approves formation of the cost reimbursement district. Section 62.0208 of the San Diego Municipal Code authorizes the cost reimbursement district process and outlines the procedure for establishing a reimbursement district. One of the provisions of the Ordinance prevents formation of a cost reimbursement district if the public improvements subject to reimbursement are substantially complete. Waiving certain language contained in the Ordinance would allow public improvements within the proposed Skyline Park Cost Reimbursement District that were constructed with the City's Skyline Drive project to be reimbursed pursuant to Section 62.0208 of the San Diego Municipal Code.  
Aud. Cert. 9300612.

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FILE LOCATION: STRT - CR-22

COUNCIL ACTION: (Tape location: A032-035.)

ITEM-333: (R-93-879 Rev.1) ADOPTED AS AMENDED AS  
RESOLUTION R-281405

(Continued from the meeting of November 23, 1992, Item 207, at Councilmember Behr's request, for further evaluation by the City Manager.)

Endorsing the establishment of an Inclusionary Housing Program in the City of San Diego and accepting the recommendations as described in the San Diego Housing Commission Report HCR-92-011CC; directing City staff to work with the Housing Commission staff to prepare necessary documents to implement the recommendations contained in the report and to bring such documents to the City Council for consideration within 120 days; declaring that the City Council's endorsement of the recommendations contained in the Report are conceptual and that City staff is directed to comply with all applicable laws regarding notices and hearings and any environmental review which may be legally required prior to actual establishment by the City Council of an Inclusionary Housing Program.

(See San Diego Housing Commission Report HCR-92-232.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B199-E374.)

MOTION BY WOLFSHEIMER TO ADOPT AS AMENDED, APPROVING IN CONCEPT THE INCLUSIONARY HOUSING PROGRAM WITH GUARANTEED INCENTIVES, WITH DIRECTION TO STAFF TO WORK WITH THE T&LU COMMITTEE ON THE IMPLEMENTATION PLAN. RETURN TO COUNCIL IN 120 DAYS WITH THE DRAFT ORDINANCES, AND ADDRESS THE QUESTION OF ADEQUATE OFFSETS AND FINANCING. THOROUGHLY EXPLORE THE FINANCING PORTION OF THE PROGRAM IN COMMITTEE, AND BRING BACK TO COUNCIL WITH THE IMPLEMENTATION STRATEGY AS A PACKAGE AND AS A PART OF THE ENTIRE AFFORDABLE HOUSING STRATEGY. DIRECT THE CITY MANAGER TO BE SURE COUNCIL HAS THE ECONOMIC IMPACT, IMPLEMENTATION STRATEGY AND THE RECOMMENDATION OF THE T&LU COMMITTEE ON OFFSETS AND FINANCING. REQUEST THE HOUSING COMMISSION APPROVAL ON THOSE ITEMS IT HAS NOT ACTED ON SUCH AS THE HOUSING TRUST FUND AND THE FINANCING MECHANISM. DIRECT STAFF TO WORK WITH THE PUBLIC AND THE CONSTRUCTION INDUSTRY FEDERATION, AND PRESENT QUARTERLY UPDATES TO COUNCIL, BECAUSE OF CONCERNS WITH

CHANGES IN TERMS OF THE LENDING INDUSTRY, AT WHICH TIME DIRECTIONS COULD BE GIVEN FOR MODIFICATIONS. STAFF IS DIRECTED TO RESEARCH THE SPECIFIC NEEDS OF EMPLOYERS FOR EMPLOYEE HOUSING, AND DIRECT THE COMMITTEE TO LOOK INTO EMPLOYER-ASSISTED LOAN PROGRAMS. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, District 8-vacant, Mayor Golding-yea.

ITEM-334: REFERRED TO THE T&LU COMMITTEE

(Continued from the meeting of November 23, 1992, Item 208, at Councilmember Behr's request, for further evaluation by the City Manager.)

Consideration of a proposal to amend the San Diego Municipal Code relating to the Affordable Housing Density Bonus Program to comply with State Legislative Requirements. The proposed amendment of the Affordable Housing Density Bonus Program also constitutes an amendment to the City of San Diego's Local Coastal Program. If approved by the City Council, the proposed Local Coastal Program Amendment must be submitted to the California Coastal Commission for review and final approval. The proposed Local Coastal Program Amendment would not become effective until after approval by the California Coastal Commission.  
(City-wide.)

Subitem-A: (O-92-39)

Introduction of an Ordinance amending Chapter X, Article 1, Division 3, of the San Diego Municipal Code by amending Sections 101.0307.1 through 101.0307.6 relating to the affordable housing density bonus.

Subitem-B: (O-92-40)

Introduction of an Ordinance amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code by amending Section 101.0500 and amending Chapter X, Article 3, Division 1, by amending Section 103.0101 relating to the utilization of the affordable housing density bonus.

FILE LOCATION: Agenda

COUNCIL ACTION: (Tape location: E374-F082.)



Hearing began at 4:24 p.m. and halted at 4:42 p.m.

Testimony in opposition by Opal Trueblood and Reynaldo Pisano.

Motion by Wolfsheimer to introduce the Ordinances as amended and to also approve Alternative 5 which deletes impacted communities from the Program. Second by Hartley. Failed by the following vote: 1,3,4,6-yea. 2,5,7,M-nay. 8-vacant.

MOTION BY BEHR TO REFER TO T&LU TO INCLUDE THIS PROGRAM AS PART OF THE INCLUSIONARY HOUSING PROGRAM, AND RETURN TO COUNCIL AS ONE PACKAGE IN ITS ENTIRETY IN 120 DAYS TO SEE HOW BOTH PROGRAMS WORK TOGETHER. THE EXCLUSION OF THE IMPACTED AREAS WILL BE LOOKED AT IN CONTEXT WITH THE INCLUSIONARY HOUSING PROGRAM. Second by Roberts. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, District 8-vacant, Mayor Golding-yea.

ITEM-335: (O-93-88) INTRODUCED AS AMENDED, TO BE  
REINTRODUCED

(Continued from the meeting of November 23, 1992, Item 209, at Councilmember Hartley's request, for further review and to hear comments from the Community Planning Group.)

Introduction of an Ordinance amending Ordinance O-17838 (New Series), relating to Tandem Parking. This Ordinance amended the San Diego Municipal Code Section 101.0821 to delete tandem parking by reducing from two to one the number of parking spaces in a tandem configuration that are included in the calculation of required parking for residential projects.

FILE LOCATION:

COUNCIL ACTION: (Tape location: F082-G248.)

Hearing began at 4:42 p.m. and halted at 5:36 p.m.

Testimony in favor by Reynaldo Pisano, Mark Spitzer, Roger Reynolds, David Dilday, Robert Aaberg, Gary Taylor, Paul Hastie, Tracy Morgan, Greg wolf, John Khadivi, Hamid Aghassi.

Testimony in opposition by Opal Trueblood.

Motion by McCarty to introduce the Ordinance to reinstate tandem parking per the City Manager's recommendation for residential development city-wide excluding Pacific Beach. Second by Behr.

Motion by Wolfsheimer to amend the motion to delete residential zones and planned districts.

Motion by Hartley to amend the motion to include a pipeline date of April 30, 1993 for those projects in the pipeline given the fact that people are being impacted by the recession or depression, and they should be able to proceed under the old Ordinance. Also, delete the Greater North Park area, Normal Heights, City Heights (except for single family residences and duplexes), Kensington/Talmadge and the Southeast Planning area.

Motion by Behr to amend the motion by deleting all of District 5. Failed by the following vote: 1,3,4-Yea; 2,5,6,7,M-nay. 8-Vacant.

Motion by McCarty to introduce the Ordinance adopting the City Manager's recommendations to reinstate tandem parking. Second by Behr. Failed by the following vote: 5,7,M-yea. 1,2,3,4,6-nay. 8-vacant.

Substitute motion by Stallings to handle the possible problems of the builders by discretionary review individually due to the small number of projects submitted. No vote.

MOTION BY WOLFSHEIMER TO INTRODUCE THE ORDINANCE AS AMENDED TO PERMIT TANDEM PARKING ONLY IN WHAT HAS BEEN MAPPED OUT FOR TRANSIT CORRIDORS, NODES AND HUBS. APPROVE THE PIPELINE DATE OF APRIL 30, 1993 FOR THOSE PROJECTS IN THE PIPELINE. EXCLUDE THE GREATER NORTH PARK AREA, CITY HEIGHTS (EXCEPT FOR SINGLE FAMILY AND DUPLEX UNITS), KENSINGTON/TALMADGE AND THE SKYLINE AREA OF SOUTHEAST. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-nay, Stallings-yea, McCarty-yea, District 8-vacant, Mayor Golding-nay.

ITEM-336: (R-93- ) CONTINUED TO MAY 25, 1993

Matter of adoption of a Resolution granting or denying the revocation of a previously approved Conditional Use Permit CUP-10-645-0, issued to H. G. Fenton Material Company, for an asphalt batch plant. The subject

property is located approximately 1,300 feet north of Palm Avenue, 600 feet west of Beyer Boulevard and east of Hollister Street and is described as a portion of Section 22, Range 2 West, Township 18 South, SBBM. The FW (Floodway) Zoned site is within the Otay Mesa-Nestor Community Plan Area.  
(CUP-10-645-0. District-8.)

FILE LOCATION: PERM - CUP-10-645-0

COUNCIL ACTION: (Tape location: B081-194.)

MOTION BY WOLFSHEIMER TO CONTINUE TO MAY 23, 1993 ON BEHALF OF THE CITY MANAGER FOR THE NECESSARY PERMITS FROM THE STATE AND FEDERAL GOVERNMENT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-yea, Behr-nay, Stallings-yea, McCarty-nay, District 8-vacant, Mayor Golding-yea.

ITEM-337: CONTINUED TO FEBRUARY 9, 1993

(Continued from the meetings of December 8, 1992, Item 331, and January 5, 1993, Item 333; last continued at the City Manager's request, to meet noticing requirements.)

Matters of:

1. Adoption of Coastal Development Permit, Planned Commercial Development, Vesting Tentative Map (Torrey Reserve), and Rezone 85-0824 for the development of approximately 483,646 square feet of visitor commercial and office uses on a 60-acre site. The subject property is located east of Interstate 5 and approximately one-quarter mile south of Carmel Valley Road and is described as Parcel 2 of Parcel Map No. 14873. The currently A1-1 zoned (proposed CO zone) site is within the Sorrento Hills Community Plan area.
2. The vacation of excess portions of El Camino Real, as provided for under Section 66499.20-1/2 of the State Map Act, in conjunction with Vesting Tentative Map VTM-85-0824.

The proposed rezoning of the project site also constitutes an amendment to the City of San Diego's Local Coastal Program. If approved by the City Council, the proposed Local Coastal Program Amendment must be submitted to the California Coastal Commission for review and final approval. The proposed Local Coastal Program amendment would not become effective

until after approval by the California Coastal  
Commission.

(CDP/PCD/VTM/REZONE-85-0824. District-1.)

Subitem-A: (R-93-935)

Adoption of a Resolution certifying that the  
information contained in Environmental Impact Report  
DEP-85-0824 has been completed in compliance with the  
California Environmental Quality Act of 1970 and State  
guidelines, and that said report has been reviewed and  
considered by the Council and adopting the mitigation  
monitoring and reporting program and statement of  
overriding considerations pursuant to California Public  
Resources Code Section 21081.

Subitem-B: (O-93-96 Cor. Copy)

Introduction of an Ordinance for CO zoning.

Subitem-C: (R-93- )

Adoption of a Resolution granting or denying the  
Coastal Development Permit, with appropriate findings  
to support Council action.

Subitem-D: (R-93- )

Adoption of a Resolution granting or denying the  
Planned Commercial Development Permit, with appropriate  
findings to support Council action.

Subitem-E: (R-93- )

Adoption of a Resolution granting or denying the  
Vesting Tentative Map, with appropriate findings to  
support Council action.

Subitem-F: (R-93-936)

Adoption of a Resolution authorizing the vacation of El  
Camino Real.

FILE LOCATION: Subitem-A: PERM - CDP/PCD85-0824; Subitem-B:  
--; Subitem-C: PERM - CDP 85-0824;  
Subitem-D: PERM - PCD 85-0824; Subitem-E:  
SUBD-Torrey Reserve; Subitem-F: STRT  
J-2784; DEED F-5931

COUNCIL ACTION: (Tape location: G252-H415.

Hearing began at 5:37 p.m. and halted at 6:28 p.m.

Council Member Stevens left the meeting at 5:54 p.m. and returned at 6:25 p.m.

Council Member Behr left the meeting at 5:54 p.m.

Council Member Hartley left the meeting at 6:00 p.m.

Motion by Wolfsheimer to deny. No vote.

Testimony in favor by Jim Dawe and Jane Signaigo.

Testimony in opposition by Andrew Kaplan, John R. Dean, Bill Schwenkeil, Dr. John Northrop, Opal Trueblood, and Karen Cody.

MOTION BY ROBERTS TO CONTINUE TO FEBRUARY 9, 1993 FOR THE CONCERNS OF THE PUBLIC TO BE ADDRESSED AND FOR A FULL COUNCIL. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-not present, Stallings-yea, McCarty-not present, District 8-vacant, Mayor Golding-yea.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Golding at 6:29 p.m. in honor of the memory of Ruth G. Swett and Pliny Steward.

FILE LOCATION: Agenda

COUNCIL ACTION: (Tape location: H419-429).